

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 478

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 21, 2002
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

Rev. Larry Nussbaum, Lorraine Avenue Mennonite Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of May 14, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PUBLIC WORKS

Kansas Public Works Award of the Year was presented to the City's Public Works Department.

PROCLAMATIONS

Proclamations previously approved were presented.

UNFINISHED BUSINESS

DR2001-08

DR2001-08 - ORDINANCE AMENDMENTS PERTAINING TO THE BOARD OF ZONING APPEALS.

(Continued from May 14, 2002)

Agenda Report No. 02-1400A

On May 14, 2002, the City Council deferred this Item one week. Changes were recently made to the Board of Zoning Appeals Bylaws to bring them into compliance with the provisions of Title 28, The Sedgwick-County Unified Zoning Code and Title 24, the Sign Code of the City of Wichita regarding the Board's authority to grant variances and to hear appeals of Code interpretations of the Zoning Administrator.

Amendments to Sections 2.12.580 and 2.12.590 of the City's Code are necessary to bring the ordinances into compliance with Titles 28 and 24, as well as the Bylaws established by the Board of Zoning Appeals.

The proposed amendments grant the Board authority to determine appeals of the Zoning Administrator's interpretations of the Zoning, Sign and Landscape Codes consistent with other City Code provisions. The amendments also grant the Board authority to grant variances of the sign and zoning codes. The amendments delete authority to grant exceptions to the zoning code, as these are currently being handled by the Metropolitan Area Planning Commission. Finally, the amendments require notification of adjacent property owners on appeals.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 479

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 2.12.580 and 2.12.590 of the Code of the City of Wichita, Kansas, pertaining to the procedure and jurisdiction for the Board of Zoning Appeals, and repealing the originals of said Sections, introduced and under the rules laid over.

NEW BUSINESS

WATERLINE

PETITION TO CONSTRUCT A WATERLINE ALONG HOOVER ROAD, NORTH OF ZOO BOULEVARD. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1407.

The signatures on the Petition represent 3 of 13 (23.08%) resident owners and 73.64% of the improvement district area. District V Advisory Board held a February 4, 2002, neighborhood hearing on the Petition. The Board voted 9-0 to recommend approval.

The project will serve a partially developed mixed use area that has been annexed into the City.

The estimated project cost is \$509,000, with \$160,535 assessed to the improvement district and \$348,465 paid by the Water Utility. The method of assessment is the fractional basis. The estimated assessment to individual properties ranges from \$1,330 for residential properties to \$22,500 for a self-storage business. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. 02-239

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89674 (along Hoover Road, north of Zoo Boulevard), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HILLSIDE IMP.

HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1408.

The Capital Improvement Program includes a project to reconstruct Hillside between 17th and 21st Street. District I Advisory Board sponsored a May 6, 2002, neighborhood hearing on the proposal. The Board indicated support of the project.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 480

The proposed design concept provides for four through lanes with a landscaped median and left turn lane. The project will improve access and safety at the Wichita State University campus Hillside entrances.

It is anticipated 19 properties will be purchased between 18th Street to Shadybrook. The 2002 Capital Improvement Program includes \$750,000 for right-of-way acquisition. Construction funding is included in the 2003 Capital Improvement Program. The construction budget is \$2,630,000, with \$1,230,000 paid by the City and \$1,400,000 paid by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the design concept and right-of-way acquisition project be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Hillside, from 17th Street North to 21st Street North, 472-83537, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved as consent Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 20, 2002.

Bids were opened May 17, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Lydia, from the west line of Crestline to the east line of Lydia Court; Lydia Court, from the north line of Lydia to and including cul-de-sac Lydia Court, from the north line of Lydia, to and including cul-de-sac; Crestline Court, from the west line of Crestline, to and including cul-de-sac; and Crestline, from the north line of Lydia to the north line of Lot 34, Block 2. Sidewalk installed along Crestline to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (472-83493/765728 /490839) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$199,012.25

Sanitary Sewer Reconstruction in 8th Street, between Market & Broadway to serve Munger's Original Town Addition - north of Murdock, west of Broadway. (468-83348/620327/661451) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$14,231.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 481

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Pump Back Pullout Assembly. (184119)

JCI Industries Inc. - \$15,205.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Box Rings, Lids and Risers. (181222)

Deeter Foundry Inc. - \$16.43 (Item 1/per each)
\$ 3.80 (Item 2/per each)
\$ 5.78 (Item 3/per each)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal - Adult Entertainment

Robert Floyd Armour Gift Shop Inc. 7500 East Kellogg
dba Priscilla's

Motion -- Knight moved that the license be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002 sanitary sewer rehabilitation, Phase C (Various Locations) - east of West Street, north of Pawnee. (468-83435/620339/662462) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, & VI) - \$320,000
- b) 2002 sanitary sewer reconstruction Phase 3 (Various Locations) - south of 29th North, west of Woodlawn. (468-83436/620340/662463) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, & VI) - \$241,000
- c) Water supply line along Oliver to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89653/735061/470731) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$109,000
- d) Water supply line along 45th Street North to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89672/735051/470721) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$470,000
- e) Water distribution system to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89603/735052/470722) Does not affect existing traffic. (District II) - \$86,000
- f) Main 2, Northwest Interceptor Sewer - 21st Street North from west of Maize Road to 1/2 mile east. (468-83132/624059/651001) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,065,000

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 482

g) 21st Street from Hillside to Oliver - Phase 2 - Landscaping - 21st from Hillside to Oliver. (472-83368/706823/201289) (District I) - \$103,202

h) Storm Water Drain No. 165 to serve Remington Place Addition - east of Webb, south of 21st Street North. (468-83252/751302/485193) Does not affect existing traffic. (District II) - \$312,142

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

COST STATEMENTS STATEMENTS OF COST:

a) Improving Jabara Airport. Total Cost - \$1,092,438.97 (plus idle fund interest - \$13,561.03; less financing previously issued - \$450,000). Financing to be issued at this time - \$656,000. (792348/435-318).

b) Trolleys Purchases. Total Cost- \$519,672 (plus idle fund interest - \$5,328; less financing previously issued - \$0). Financing to be issued at this time - \$525,000. (792355/435-325).

c) Land Acquisition @ 2300 North Coolidge. Total Cost - \$401,175.52 (plus idle fund interest - \$7,324.48; less financing previously issued - \$0). Financing to be issued at this time - \$408,500. (792356/435-326).

d) East Bank Land Acquisition. Total Cost - \$875,343 (plus idle fund interest \$14,657.00; less financing previously issued - \$0). Financing to be issued at this time - \$890,000. (792357/435-327).

e) Auburn Hills Golf Course Construction. Total Cost - \$9,830,893.87 (plus idle fund interest - \$309,823.71; plus temporary financing - \$165,282.42; less other financing - \$9,631,000). Financing to be issued at this time - \$675,000. (696047/516-005).

f) Improving Swimming Pools (2001). Total Cost - \$100,000 (less idle fund interest - \$2,315.14; plus temporary note financing - \$466.74; less financing previously issued - \$80,000). Financing to be issued at this time - \$22,781.88. (785018/391-150).

g) Improving Arkansas River Bikepaths. Total Cost - \$249,986.06 (plus idle fund interest - \$4,130.46; plus temporary note financing - \$10,945.79; less financing previously issued - \$244,990.23). Financing to be issued at this time - \$20,072.08. (785485/440-079).

PARTIAL STATEMENTS OF COST:

a) (Third Partial) Estimate of Cost for improving 21st and Arkansas - \$230,000; less local sales tax funds transferred - \$130,000; less financing previously issued - \$0. Financing to be issued at this time - \$100,000. (706799/472-83184/200-249).

b) (Third Partial) Estimate of Cost for improving Hydraulic, 57th to MacArthur - \$735,000; less local tax funds transferred - \$660,000; less financing previously issued - \$0. Financing to be issued at this time - \$75,000. (706810/472-83324/201-275).

c) (Second Partial) Estimate of Cost for improving Arterial Design Program - \$140,000 less local sales tax funds transferred - \$75,000; less financing previously issued - \$0. Financing to be issued at this time - \$65,000. (706811/472-83314/201-276).

d) (Second Partial) Estimate of Cost for improving 21st Street North, 119th to Maize - \$220,000; less local sales tax funds transferred - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$200,000. (706814/472-83364/201-279).

e) (First Partial) Estimate of Cost for improving Maple, 135th W to 119th W - \$750,000; less financing previously issued - \$0. Financing to be issued at this time - \$750,000. (706817/472-83262/201-283).

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 483

- f) (First Partial) Estimate of Cost for improving Central and Hillside Intersection - \$500,000 less financing previously issued - \$0. Financing to be issued at this time - \$500,000. (706822/472-83408/201-288).
- g) (Second Partial) Estimate of Cost for improving 21st St. North, Hillside to Oliver - \$310,000; less local sales tax funds transferred - \$10,000; less financing previously issued - \$0. Financing to be issued at this time - \$300,000. (706823/472-83368/201-289).
- h) (First Partial) Estimate of Cost for improving Hoover, North and South of K-42 - \$250,000 less financing previously issued - \$0. Financing to be issued at this time - \$250,000. (706827/472-83176/201-293).
- i) (First Partial) Estimate of Cost for improving 21st Street North and Rock Road Intersection - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706829/472-83438/201-295).
- j) (First Partial) Estimate of Cost for improving 2002 Sidewalk and Wheelchair Ramps - \$375,000; less financing previously is sued - \$0. Financing to be issued at this time - \$375,000. (706828/472-83437/202-294).
- k) (First Partial) Estimate of Cost for improving Little Arkansas Bikepath - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706831/472-83436/202-297).
- l) (Fourth Partial) Estimate of Cost for improving 21st Street North, Webb Road to ½ Mile East of Webb Road - \$795,000 less local sales tax funds transferred - \$400,000; less other financing - \$395,000. Financing to be issued at this time - \$15,000. (706655/472-82886/208-219).
- m) (Fifth Partial) Estimate of Cost for improving Seneca, Douglas to McLean - \$1,490,000; less local sales tax funds transferred - \$190,000; less financing previous issued - \$50,000. Financing to be issued at this time - \$1,250,000. (706747/472-82966/208-228).
- n) (First Partial) Estimate of Cost for RR Study Supplement #3 - \$186,000; less financing previously issued - \$0. Financing to be issued at this time - \$186,000. (706713/405-225).
- o) (Sixth Partial) Estimate of Cost for the Lawrence Dumont Stadium Improvements - \$3,224,712; less financing previously issued - \$3,150,000. Financing to be issued at this time - \$74,712. (792051/N.A./358-234).
- p) (Fifth Partial) Estimate of Cost for improving Wayfinding Signage (Core Area) - \$453,000; less financing previously issued - \$263,000. Financing to be issued at this time - \$190,000. (791749/N.A./435-203).
- q) (Third Partial) Estimate of Cost for improving the Art Museum - \$2,375,000; less financing previously issued - \$1,200,000. Financing to be issued at this time - \$1,175,000. (792329/435-300).
- r) (Third Partial) Estimate of Cost for Performance Contracting - \$2,125,000; less financing previously issued - \$1,300,000. Financing to be issued at this time - \$825,000. (792338/N.A./435-308).
- s) (Third Partial) Estimate of Cost for Bikepath, Zoo Blvd., Central to Westdale - \$60,000; less financing previously issued - \$35,000. Financing to be issued at this time - \$25,000. (785005/N.A./390-137).
- t) (Second Partial) Estimate of Cost for the Land Acquisition and Development - \$250,000; less financing previously issued - \$195,000. Financing to be issued at this time - \$55,000. (785019/N.A./391-151).

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 484

- u) (Second Partial) Estimate of Cost for Park Facilities Renovation - \$250,000; less financing previously issued - \$40,000. Financing to be issued at this time - \$210,000. (785020/N.A./391-152).
- v) (Second Partial) Estimate of Cost for Playground Equipment (1999) - \$45,000; less other financing - \$23,501. Financing to be issued at this time - \$21,499. (785923/N.A./399-124).
- w) (Seventh Partial) Estimate of Cost for the South Lakes Park - \$1,519,000; less other financing - \$460,000. Financing to be issued at this time - \$1,059,000. (785766/N.A./398-108).
- x) (First Partial) Estimate of Cost for Meadows Park - \$23,000; less financing previously issued - \$0. Financing to be issued at this time - \$23,000. (785022/N.A./391-154).
- y) (Second Partial) Estimate of Cost for Gilbert/Mosley Improvements - \$12,300,000; less financing previously issued - \$4,300,000. Financing to be issued at this time - \$8,000,000. (792354/435-324).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

EAGLES LANDING

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM FOR EAGLES LANDING AT NORTH OLIVER SECOND ADDITION – SOUTH OF 45TH STREET, WEST OF OLIVER. (District I)

Agenda Report No. 02-1410.

On January 15, 2002, the City Council approved the Petitions to extend sanitary sewer and water service to Eagles Landing at North Oliver 2nd Addition. New Petitions have been submitted to expand the improvement districts to include an adjacent single-family home. The signatures on the Petitions represent 100% of the improvement districts.

Eagles Landing at North Oliver 2nd Addition is a new residential development located south of 45th Street North, west of Oliver.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petitions be approved and the amending Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-240

A Resolution amending Resolution No. 02-052 pertaining to the construction of Water Distribution System 448-89653 (south of 45th Street North, west of Oliver), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-241

A Resolution amending Resolution No. 02-054 pertaining to the construction of Lateral 1, Main 12, Sanitary Sewer #23 (south of 45th Street North, west of Oliver) 468-83284 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 485

FRUITVALE

WATER DISTRIBUTION SYSTEM TO SERVE PART OF LOTS 19 AND 20, BLOCK 12, FRUITVALE ADDITION – SOUTH OF CENTRAL, EAST OF HOOVER. (District IV)

Agenda Report No. 02-1411.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will extend water service to a single-family residence located on the south side of Newell, east of Flora.

The Petition totals \$3,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-242

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89689 (south of Central, east of Hoover), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AVERY

WATER DISTRIBUTION SYSTEM TO SERVE PART OF LOT 4, BLOCK 4, AVERY ADDITION – NORTH OF CENTRAL, WEST OF HOOVER. (District VI)

Agenda Report No. 02-1412.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will extend water service to a single-family residence located on the south side of Franklin, west of Hoover.

The Petition totals \$5,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-243

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89690 (north of Central, west of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 486

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED APRIL 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Bennett, Robert	\$4,961.92
Hanks, Wallace C.	\$1,500.00**
Jelley, Dannette	\$443.60 **
Kansas Gas Svc.	\$929.98 **
Kansas Gas Svc.	\$854.85 **
Newport, Dena L.	\$232.02

** Settled for lesser amount than claimed.

Motion – carried Knight moved that the report be received and filed. Motion carried 7 to 0.

WD MAINTENANCE WATER DISTRIBUTION MAINTENANCE OF FACILITY RELOCATION. (District IV)

Agenda Report No. 02-1413.

The City Council previously approved the relocation of the Water Department Distribution Maintenance Facility from its present location at 1701 Sim Park Drive to allow for the expansion and improvements to Cowtown. These maintenance operations will be relocated to the Public Works East and West Maintenance Substations and the vacated Transit Bus Maintenance Facility at 1825 South McLean Blvd.

On June 12, 2001, the City Council approved the project, amended the Water Department Capital Improvement Program and authorized the final design and construction of the project.

A Contract Amendment for a not to exceed amount of \$26,100 including reimbursable expenses is recommended with Law/Kingdon, Inc. to provide for additional architectural services. The additional service include but are not limited to design for security systems, fueling systems, utility vacations, easement, property set backs and other zoning requirements for the three sites, and art component.

The project is authorized in the 2001-2010 Capital Improvement Program (PB-351001 and W-202). (Project No. 751202, OCA No. 633739 and Project No. 435339, OCA No. 792369)

Motion -- Knight moved that the Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

MARKETING SER. MARKETING SERVICES.

Agenda Report No. 02-1414.

On March 27, 2001, the City Council approved additional funding to the Wichita Convention & Visitors Bureau (CVB) for the Strategic Master Plan for Tourism (the City's primary marketing plan). The management of the Plan was placed with the CVB, subject to stipulations that have been completed or are in process. To show partnership with the CVB and strong support of the Plan, the City agreed to allocate additional funding.

The Community Image Task Force consists of key community leaders that have a stake in our City's image. The Task Force was charged with spearheading efforts for the Internal Marketing campaign. The City Council appointed the Task Force with representation from the City, Sedgwick County, Convention & Visitors Bureau, Chamber of Commerce and others. Internal marketing is a key element of the Strategic Plan which was developed to combat local negative image about Wichita.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 487

The Community Image Task Force agency selection group recommended the hiring of Sullivan Higdon Sink (SHS) as the primary consultant for implementing the Internal Marketing Campaign focused on making Wichitans proud of Wichita. SHS has a proven track record for making an impact with marketing messages. The original SHS Contract was approved by the City Council on September 25, 2001.

The second year of the Contract continues the marketing campaign for year-two with an additional \$75,000 from City funds. Sedgwick County agreed last fall to provide \$25,000 towards this campaign. This will make the total spent in 2002 at \$100,000.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AUBURN HILLS 12TH ADDITION – WEST OF 135TH STREET WEST, SOUTH OF MAPLE – STAKING. (District V)

Agenda Report No. 02-1415.

The City Council approved the project on November 14, 2000. On March 19, 2002, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Auburn Hills 12th Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$23,800 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

REECE FARMS ESTATES - SOUTH OF MAPLE, WEST OF 151ST STREET WEST – STAKING. (District V)

Agenda Report No. 02-1416.

The City Council approved the project on April 14, 1998. On April 2, 2002, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Reece Farms Estates. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$17,800 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 488

DESIGN SERVICES

EAGLES LANDING AT NORTH OLIVER SECOND ADDITION – SOUTH OF 45TH STREET, WEST OF OLIVER. (District I)

Agenda Report No. 02-1417.

The City Council approved the project on January 15, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Eagles Landing at North Oliver 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$71,300, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EVCON IRB

PURCHASE OPTION – EVCON INDUSTRIES INC. (District VI)

Agenda Report No. 02-1418.

On December 13, 1994, the City Council approved issuance of \$8,000,000 in Taxable Industrial Revenue Bonds, Series XVIII, 1994, to Evcon Industries, Inc. The Bonds were issued to purchase machinery and equipment for use in certain existing facilities located in the City of Wichita. The Bonds are secured, in part, by a Lease Agreement with Evcon Industries, Inc. ("Tenant"). The Tenant has expressed its interest to exercise option to purchase the property.

Under the provisions of Sections 16.1 and 16.2 of the Lease Agreement for the bond series, the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid to purchase the facility from the City of Wichita for the sum of \$1000. Following receipt of Trustee certification that the bonds have been paid and receipt of \$1000 from Evcon Industries, Inc., the City will deliver the instruments needed to reconvey the bond financed property to Evcon Industries, Inc., and terminate the IRB Lease.

The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant, once all the conditions established in the Lease have been met. The City Attorney's Office will approve the form of the Resolution, and other necessary documents prepared by the City's Bond Counsel (with possible corrections in the legal description).

Motion --
-- carried

Knight moved that the Resolution authorizing the necessary documents prepared by bond counsel, with delivery contingent upon satisfaction of all conditions for reconveyance under the lease, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-244

A Resolution of the City of Wichita, Kansas, authorizing the City to convey Title to the project; authorizing execution of a Bill of Sale and Termination and Release of the Lease; and authorizing the execution of all such other documents necessary to convey Title to such Project to Evcon Industries, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 489

OLD TOWN TIF

BUDGET ADJUSTMENT – OLD TOWN TAX INCREMENT FINANCING DISTRICT.

Agenda Report No. 02-1419.

Special assessments on parking lots in the Old Town Tax Increment Financing District total \$58,324.48. The amount is a one time only expenditure for the parking lots, and payment of the specials at this time would avoid including the amount in the bond issue and then spreading the amount on the tax rolls. At this time, the TIF has adequate resources to fully pay Old Town TIF District parking lot assessments.

The TIF district currently is generating sufficient property tax revenue to pay the district's portion of debt service and these special assessments on the parking lots. The specials are qualifying expenditures of the TIF district.

The funds for the budget adjustment are available from the TIF fund balance but were not authorized to be expended within the 2002 Adopted Budget or the project budget.

Motion -- carried

Knight moved that the budget adjustment be approved. Motion carried 7 to 0.

HOMELESS FUNDING CCHA RECOMMENDATIONS FOR HOMELESS FUNDING.

Agenda Report No. 02-1420.

For several years, the City of Wichita has included \$50,000 in the annual budget for homeless services. Among other uses, this budget has been utilized to provide partial funding for the winter emergency cold weather overflow shelter. As part of the development of a strategic plan for addressing homelessness, the Community Council on Homeless Advocacy (CCHA) recommended that it be recognized by as the primary planning body for homeless issues in the Wichita/Sedgwick County community. That plan was presented to, and approved by, the City Council.

In considering current needs for funding in the Community's Continuum of Care, the CCHA has made the following recommendation for the \$50,000 budgeted in the 2002 City budget:

"That the overflow shelter for the 2002-2003 winter be funded at the level of \$10,400. This will allow the shelter to be open the last 10 days of November, December, January, February and the first 10 days of March.

That the balance be provided at the level of \$9,900 each to Anthony Family Shelter, Inter-Faith Inn, Salvation Army, and the United Methodist Urban Ministry Drop-In Shelter. This will fund approximately one-third of the salary and benefits for a case manager. This is consistent with the Strategic Plan, which calls for case management at the shelters to assist the clients to move to permanent housing."

In support of this recommendation the CCHA emphasized that case management is central to the efforts of the shelters to provide all persons with services which will work to end the cycle of homelessness for the individuals and families who come to them for assistance. While case management is provided for all who receive shelter, maintenance of the existing case management positions has become a greater challenge in the wake of declining donations in the current economic environment.

Essential to successful transition from homelessness is the ability to access mainstream services available through other funding sources, e.g. TANF, health care, food stamps, education, job training, child care, transportation, etc. It is the role of the case managers to assist the client in connecting with the services for which they are eligible and which will enable them to move to permanent housing.

\$50,000 is budgeted in the 2002 City of Wichita budget from local tax support for homeless services.

Motion --
-- carried

Knight moved that the allocations and agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 490

FIRE APPARATUS

FIRE APPARATUS REPLACEMENT PROGRAM.

Agenda Report No. 02-1421.

The Fire Department heavy equipment fleet consists of thirty-two pieces of equipment, including three aerials, two aerial platforms, sixteen engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender, and one hazardous materials truck. With an average service life ranging from ten to twenty years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

The 2002-2011 Capital Improvement Program (CIP) includes funds to replace fire apparatus. The 2002-2003 capital budget includes the replacement of one aerial, one engine, and two quints. Equipment is also required to properly equip these vehicles for fire protection services, including such items as fire hose, hose reels, rescue tools, and hand-held lights. Equipment items are also needed for the heavy rescue truck that will be delivered in late 2002.

Staff recommends that the City Council approve an expectant fire apparatus replacement program in the amount of \$3,313,000, over the next year. Should bids prove favorable, staff would also request authorization to go beyond the budgeted capital purchase of four new apparatus and purchase an additional apparatus if it can be accomplished within the established project budget.

The CIP includes \$3,313,000 in 2002 and 2003 for fire apparatus replacement. The funding source is general obligation bonds.

Motion --
-- carried

Knight moved that the Bonding Resolution be adopted; and initiation of the project be authorized.
Motion carried 7 to 0.

RESOLUTION NO. 02-245

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the governing body; and directing the publication of this resolution, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY ACQ.

PROPERTY ACQUISITION - DEDICATION OF EASEMENTS FOR KECHE SANITARY SEWER MAIN. (District I)

Agenda Report No. 02-1422.

The City Council has approved the construction a sanitary sewer main from Hydraulic and 37th St. North to 53rd Street North west of K-254 at the request of the City of Kechi. The following property owners have agreed to grant the City the easements over their property: Howard Whiteside, \$25,000 for 3.32 acres of easement; Kenny Rogers, \$17,500 for 1.68 acres of easement; and Gary and Marilyn Applegate Trust, \$12,500 for 72,088 sq. ft. of easement. Koch Real Estate Holdings, Inc., is dedicating 6.62 acres of land for the proposed sanitary sewer easements through their property.

The proposed permanent easements contain 13.28 acres of land. The owners have agreed to grant the City the easements over the parcels for a total of \$55,000.

A budget of \$60,000 is requested for the acquisitions. The cost of the acquisitions will be included in the assessment district.

Motion --
-- carried

Knight moved that the budget, Purchase Contracts, Utility and Sewer Easements be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 491

PROPERTY ACQ.

PROPERTY ACQUISITION – 1251 NORTH BROADWAY. (District IV)

Agenda Report 02-1423.

The residence located at 1251 North Broadway is in disrepair and is in danger of requiring demolition because of the refusal of the property owner to take any steps to make the repairs necessary to bring the structure into compliance with minimum housing standards. This residence is one of the few remaining homes in this block of North Broadway and its loss would threaten the viability of the remaining homes in the block.

The City and other heirs of the former owner of this property have made repeated attempts to have the current owner take responsibility for making necessary repairs to this residence. In addition, the Community Police Officer for the area has tried to arrange for a developer who would renovate and repair the structure, to purchase it from the current owner. Those efforts have been unsuccessful. The only way to avoid the necessity for demolishing this slum and blighted residence is for the City to acquire the property under its urban renewal authority and offer it for redevelopment.

The costs of acquisition will be advanced by the City and recouped when the property is offered for redevelopment. Funding will be from the Property Management Fund.

Motion --
-- carried

Knight moved that the acquisition and first reading of the Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property in connection with the Redevelopment of a portion of the Mid-Town Area in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and providing for payment of the cost thereof, introduced and under the rules laid over.

SECTION 3037

RESOLUTION AUTHORIZING SECTION 3037 ACCESS TO JOBS GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 02-1424.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's Access to Jobs transit services for 2002/2003 capital purchases and transit operation (pursuant to Section 3037 of TEA -21). The authorized total federal apportionment for FY 2000 is \$725,000 and for FY 2002 it is \$1,450,000. An opportunity will be provided for a public hearing and other public input on May 30, 2002. Section 3037 is a 50% federal 50% local match program.

The proposed Resolution authorizes funding to support the following:

- --purchase of 10 vans to create van pools for low income clients
- --purchase of rides for low income clients under a brokerage system, utilizing other transportation providers within Wichita.

These grants should provide Access to Jobs service from July 2002 through December 2007. The total budget for both grants is \$4,350,000, where 50% federal share is \$2,175,000. Local City match is \$89,460, all in-kind service; while numerous agencies, including Career Development and SRS, numerous non-profits, including Starkey, KETCH, Envision, Res-Care, Breakthrough Club and Cerebral Palsy Research Foundation of Kansas, Inc., make-up the remaining \$2,085,540 local match. Services will only be provided to the extent that a local match has been negotiated.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 492

Motion -- carried

Knight moved that Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-246

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under Section 3037 of the Transportation Equity Act for the 21st Century (TEA-21) to support Local 2002/2003 Job Access and Reverse Commute Program, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 14, 2002)

- a) New Joint Neighborhood Nuisance Code – Title 8.

ORDINANCE NO. 45-319

1. An Ordinance creating Title 8 of the Code of the City of Wichita, Kansas, pertaining to nuisances in residential districts, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-320

2. An Ordinance amending Sections 7.40.010, 7.40.045, 7.40.046, 7.40.047 and 7.40.060 and creating Section 7.40.065 of the Code of the City of Wichita, Kansas, pertaining to environmental health standards, rank grass, weeds or other vegetation as nuisances and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-321

3. An Ordinance amending Sections 11.97.010, 11.97.020, 11.97.030, 11.97.040 and 11.97.045 of the Code of the City of Wichita, Kansas, pertaining to towing and impound regulations and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-322

4. An Ordinance amending Sections 24.04.200 and 24.04.210 of the Code of the City of Wichita, Kansas, pertaining to prohibited locations – general requirements and removal of signs placed upon public property and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Special assessments for sewer and water services.

ORDINANCE NO. 45-318

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 493

c) ZON2002-00016 – approximately 1,200 feet southeast of the 21st North/Maize Road Intersection, 1930 North Maize Road. (District V)

ORDINANCE NO. 45-323

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00016

d) A02-07 – Annex Land Located at the Southeast Corner of Tyler and 29th Street North, (District V)

ORDINANCE NO. 45-324

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-07

PLANNING AGENDA

Marvin Krout Director of Planning stated that the Planning Agenda could be considered as consensus, unless the Council desired to withhold Items.

Motion -- carried Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

SUB2001-67 **SUB2001-67 - PLAT OF NORTHRIDGE PLAZA ADDITION - ON THE NORTHWEST CORNER OF 37TH STREET NORTH AND RIDGE ROAD.** (District V)

Agenda Report No. 02-1425.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

A zone change (ZON 2001-19) from SF-5, Single-Family Residential and SF-20, Single-Family Residential to LC, Limited Commercial has been approved for a portion of this site subject to platting. The plat is also subject to the Northridge Plaza Community Unit Plan (CUP 2001-13, DP-250).

In order to provide future access to the property to the north, a restrictive covenant was provided. A cross-lot circulation agreement has also been provided in order to assure internal movement between the lots. A joint access easement has been provided to allow for shared driveways between lots.

Petitions, all 100%, have been submitted for driveway closures, sewer, water, drainage, paving, medial and signalization improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A CUP Certificate was provided identifying the approved CUP.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenants, joint access easement, cross-lot circulation agreement, and CUP Certificate will be recorded with the Register of Deeds.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 494

Motion --

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2001-19 Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-247

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89696 (north of 37th Street North, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-248

Resolution of findings of advisability and Resolution authorizing construction of Main 19, Part 5, Southwest Interceptor Sewer (north of 37th Street North, west of Ridge), 468-83450, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-249

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 19, Southwest Interceptor Sewer, (north of 37th Street North, west of Ridge), 468-83451, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-250

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 188, (north of 37th Street North, west of Ridge) 468-83452, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-251

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 571, (north of 37th Street North, west of Ridge) 468-83453, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-252

Resolution of findings of advisability and Resolution authorizing installation of a fully actuated traffic signal and pavement markings at the intersection of Ridge Road and 37th Street North, Northridge Plaza Addition (north of 37th Street North, west of Ridge) 472-83451, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 495

RESOLUTION NO. 02-253

Resolution of findings of advisability and Resolution authorizing construction of one lane of pavement on 37th Street, north from the west line of the Plat to Ridge Road to serve Northridge Plaza Addition, 472-83545, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-254

Resolution of findings of advisability and Resolution authorizing construction of an accel/decel lane on 37th Street North, together with a left turn lane on 37th Street North and major entrance for Northridge Plaza Addition, 472-83546 (north of 37th Street North, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-255

Resolution of findings of advisability and Resolution authorizing construction of medial improvements for Ridge Road and 37th Street North to allow right turn in and out only for the access openings between Lots 7 and 8 on Ridge Road and Lots 8 and 9 on 37th Street North in Northridge Plaza Addition, 472-83547 (north of 37th Street North, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-256

Resolution of findings of advisability and Resolution authorizing construction of an accel/decel lane on Ridge Road from 37th Street North to the north line of Lot 1 together with a left turn lane in Ridge Road and major entrance to Northridge Plaza Addition 472-83548 (north of 37th Street North, west of Ridge), 472-83548, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. (ZON 2001-19)

SUB2001-104

SUB2001-104 - PLAT OF HAN DIEC ADDITION - NORTH OF KELLOGG ON THE WEST SIDE OF GREENWICH. (District II)

Agenda Report No. 02-1426.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (6-4)

This replat is zoned LC, Limited Commercial and municipal services are available.

The negative Planning Commission votes indicated the Commissioners' concerns with permitting an access opening for this property in lieu of requiring a joint access opening with the abutting property to the south. After the Planning Commission vote, staff and applicant met and worked out a compromise: allowing the additional opening with full movements unless and until the owner obtained access to the existing driveway along the south line of the plat, at which time the driveway would be reconstructed to

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 496

allow only right turns. After reaching this agreement, the applicant did obtain the access easement, and so the driveway will be constructed immediately to allow only right turns.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2001-125

SUB2001-125 - PLAT OF MULLER ADDITION - ON THE NORTH SIDE OF MAPLE, BETWEEN I-235 AND WEST STREET. (District IV)

Agenda Report No. 02-1427.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

A zone change (ZON 2000-38) from SF-5, Single-Family Residential to NR, Neighborhood Retail has been approved for this site subject to platting.

The site is within the noise impact area of Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required. A sidewalk certificate has been submitted for construction of sidewalks along Bebe St. A cash guarantee has been provided in order to guarantee the closure of a driveway along Maple.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Sidewalk Certificate, avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; and the ZON2001-38 Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. (ZON 2001-38)

SUB2001-129

SUB2001-129 - PLAT OF SOWERS ADDITION - SOUTH OF PAWNEE, EAST OF I-135. (District III)

Agenda Report No. 02-1428.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-5, Single-Family Residential and City sewer and water services are available.

Motion --
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 497

SUB2001-131

**SUB2001-131 - PLAT OF FOSSIL RIM ESTATES ADDITION – ON THE SOUTHEAST
CORNER OF 29TH STREET NORTH AND TYLER.** (District V)

Agenda Report No. 02-1429.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

A zone change (ZON 2001-56) from SF-20, Single-Family Residential to NO, Neighborhood Office has been approved for Lot 1, Block B by the Sedgwick County Commission subject to platting. A Protective Overlay (P-O #109) was also approved addressing architectural controls and signs. Subsequent to the zone change, the site has been annexed by the City.

In order to provide future access to the property to the south, a restrictive covenant was provided. As required by the drainage plan for this site, an off-site drainage agreement was provided. Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. A Protective Overlay Certificate was provided identifying the approved Protective Overlay. A cash guarantee has been provided in order to guarantee the paving of a private street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenants, Protective Overlay Certificate, and off-site drainage easement will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2001-56 Ordinance be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 02-257

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89697 (east of Tyler, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-258

Resolution of findings of advisability and Resolution authorizing construction of Lateral 485, Southwest Interceptor Sewer (east of Tyler, south of 29th Street North) 468-83448, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-259

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 570 (east of Tyler, south of 29th Street North) 468-83449, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 498

RESOLUTION NO. 02-260

Resolution of findings of advisability and Resolution authorizing improving of Meadow Park, from the west line of the Plat, east to the west line of Pepper Ridge, on Pepper Ridge from the south line of Meadow Park North to the north line of the Plat, and on Pepper Ridge from the south line of Meadow Park, south to the south line of the Plat, Meadow Park Court from the south line of Meadow Park to and including cul-de-sac, Pepper Ridge Court to serve Lots 12 through 18, Block C, Pepper Ridge Court to serve Lots 19-26 Block C and Pepper Ridge Court to serve Lots 9-13, Block D, and sidewalk along one side of Meadow Park and Pepper Ridge, all in Fossil Rim Estates Addition (east of Tyler, south of 29th Street North) 472-83542, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. (ZON 2001-56)

DED2001-39

DED2001-39 - DEDICATION STREET RIGHT-OF-WAY - SOUTH OF 61ST STREET NORTH, WEST OF SENECA. (District VI)

Agenda Report No. 02-1430.

As a requirement of Lot Split No. SUB 2001-122, this dedication is being made for Street-Right-of-Way Sullivan Avenue.

The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

DED2002-14.

DED2002-14 - DEDICATION OF COMPLETE ACCESS CONTROL - NORTH OF 29TH STREET NORTH AND WEST OF FAIRVIEW. (District VI)

Agenda Report No. 02-1431.

As a requirement of Zoning Case No. ZON 2001-60, this dedication is for complete access control along 30th Street North.

The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

A02-10

A02-10 - REQUEST TO ANNEX LAND, GENERALLY LOCATED NORTH OF 47TH STREET SOUTH AND EAST AND WEST OF HOOVER ROAD. (Districts IV and V)

Agenda Report No. 02-1432.

The City has received a request to annex three tracts of land (approximately 147 acres) situated north of 47th Street South and east and west of Hoover Road. Billy Gray, the developer, is planning to construct 345 single-family dwellings on the site (40 units west of Hoover and 305 units east of Hoover to be

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 499

platted as Gray's 5th Addition). The staging of this development has been planned over multiple years, with 100% of development projected to occur within ten (10) years. The site abuts the current City of Wichita limits to the north.

Land Use and Zoning: The annexation site is presently in agricultural production and zoned "SF-20" Single Family Residential. Land south and west of the site is also in agricultural production and is zoned "SF-20" Single Family Residential. Oatville School, Hope Community Baptist Church and agricultural land is located north of the site and is zoned "SF-20" or "SF-5" Single Family Residential. The Wichita Valley Center Floodway is located east of the site. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 16" water main along Hoover Street. Gray's 5th Addition will be responsible for the 8" equivalent across the property frontage at a cost of approximately \$80,000 and the City's portion for the oversizing would be about \$60,000. City sewer is also located at Hoover and about 1/2 mile south of MacArthur. However, the Water and Sewer Department indicates that the sewer line to the north is shallow and may be of insufficient capacity to handle further development. The Water and Sewer Department has been discussing alternatives with the developer, and the construction of a regional lift station to pump the sewage east along 47th Street across the Big Ditch to the existing sewer is a likely option. The construction of the regional lift station would allow for the elimination of possibly three smaller, existing pump stations and would be of sufficient size to serve all of the existing development currently served by the smaller stations, the proposed annexation site, the undeveloped property north and west of this site, and Prospect Park Addition. The estimated cost for the regional lift station and line extension across the Big Ditch is \$660,000 with City participation of approximately \$360,000 (future development will be asked to reimburse the City for the upfront cost).

Street System: The property proposed for annexation will have access to Hoover (two-lane arterial), which serves the area as the nearest north-south road, and 47th Street South (two-lane road), which serves the area as the nearest east-west road (dead ending at the Big Ditch). There are no plans to further improve these road segments in either the 2002-2011 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.). However, the developer has guaranteed left turn lane improvements in Hoover.

Public Safety: Fire services to this site can be provided within a ten (10) to twelve (12) minute approximate response time from City Station #19 located at 600 W. MacArthur. Although new fire stations are being constructed in South Wichita, approximate response times to this site are not expected to improve. As further development occurs southwest of the City, an additional fire station may be warranted. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The developer offered to dedicate to the Park Board approximately 25 acres of reserve land adjacent to the Big Ditch to be utilized as a neighborhood park. South Lakes Park, a 247-acre park, is also located approximately 2 mile southeast of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The final plat for Gray's 5th Addition has been approved by the MAPC. The approximate appraised value of the proposed annexation area is \$33,660, resulting in an assessed value of \$3,871. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$122 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$26,910,000 when development is completed, resulting in an assessed value of \$3,094,650. Assuming the current City levy remains about the same, this would roughly yield \$97,191 in City annual tax revenues.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 500

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 02-04

OFF AGENDA ITEM

Motion --
-- carried

Fearey moved that Council set aside the rules and take up an off- Agenda Planning Item in order to have Marvin Krout, Director of Planning, explain a current Conditional Use Permit Case in the Sixth District and to have Council discussion on it. Motion carried 7 to 0.

Marvin Krout

Director of Planning reported that this is a part of the Bridgeport area and concerns a parcel on the west side of Ohio and north of 29th Street, south of the site planned for park improvements next year as a field for an adult Hispanic soccer league. The site was acquired by Wittwer Paving to operate a concrete plant in association with their contract for reconstruction of I-135. The concrete plant is a use allowed by right in the General Industrial District, and will be operating here regardless of the final action on the Conditional Use application that has been reviewed. The Conditional Use is for a rock crusher to be brought onto the north five acres of the site and used to crush old pavement for recycling next door at the concrete plant. The staff recommended approval, because it seemed to provide a buffer between the proposed field and the concrete plant, and more control through the conditions than we have on the concrete plant. It will operate for a limited period of time, and not during the evenings and weekends when there will be park activities. Conditions include: must install berm and landscaping along line of park, within 60 days; can only operate 20 days in a 60 day period next spring; operation of rock crusher limited to 7:00 a.m. -5:00 p.m. on weekdays; must renew permit through hearing process after year 2003; haul road must be constructed to minimize dust, and piles of materials are limited in height and must be watered as needed. DAB VI, the Park Board, and MAPC have all approved this request. There were representatives of the soccer league at the DAB meeting, expressing concerns, but not after that meeting – we don't know if that means that they were satisfied with the use as restricted or not. The MAPC action is final unless the Council votes to "appeal" the action and place it on a future agenda for reconsideration.

Mayor Knight

Mayor Knight asked if the decision is incompatible as to how land adjacent to it has been proposed to be used.

Marvin Krout

Director of Planning stated that "It's an unusual situation because normally, you do not find an athletic field or park facility in the middle of a heavy industrial district. I think its location was in order for it to be buffered by some industrial uses and also because it was City land that was available of the right size. You have two unusual uses there. Is it the most ideal situation? Probably not. But I honestly do think it would be a worse situation if you did not have rock crusher between concrete plant and soccer field. I think this will result in more control and less activity next to the soccer field for most of the year."

Mayor Knight

Mayor Knight: "I think we have a constituency here, and I'm talking about the Hispanic soccer league, that believes we have mixed standards; that if there was a different group of people playing at that soccer field, that this probably would not be acceptable and that creates a real dilemma for me, because this group has a reason to feel that they have been underrepresented for many years in this community. I think what they're really striving for is a sense that they're getting the same consideration that everyone else would get. We asked them to move. I don't know how long that's been. I have some real sympathy for this group, so I'm not comfortable with it. I don't know what Council Member Fearey and other council members want to do. I don't know where we're at on the soccer field, what we've got invested or if there are other sites that could accommodate them. There seems to be reasons for this point of view that playing soccer next to a rock crusher is not ideal, even with the assurance that the

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 501

dust will be watered down, and only on the week days. They seem incompatible to me. I think there is a basis for this concern. What are our options? Do nothing?"

- Marvin Krout Director of Planning: "If we do nothing then it stands approved; if there is a motion by the Council this morning to appeal the decision of the Planning Commission and that is approved by majority vote, then we will schedule this item for a future meeting and then you can consider all the facts that the Planning Commission looked at and you can take final action and either ratify or override the Planning Commission's vote."
- Mayor Knight Mayor Knight: "Sharon, that would certainly reflect my desire. I don't know if others want."
- Council Member Fearey Council Member Fearey: "I would like to ask a couple of questions. After, say it does go through, and the rock crusher is put there--after the rock crusher has done its 20 days of work and it's gone, then can the concrete plant go ahead and spread out to that area? Are we going to be faced with that in the end anyway?"
- Marvin Krout Director of Planning: "That can happen because it is the permitted use in the general industrial district."
- Council Member Fearey Council Member Fearey: "If we did not allow the rock crusher and the concrete plant did go ahead at this point and spread out through the whole area, what are the landscaping requirements for something like that?"
- Marvin Krout Director of Planning: "There are no landscaping requirements, because the landscape Ordinance exempts properties that are in the middle of an Industrial District."
- Council Member Fearey Council Member Fearey: "The only way to get the berms and the landscaping would be to also get the rock crusher?"
- Marvin Krout Director of Planning: "Yes."
- Council Member Fearey Council Member Fearey Sharon: "On the four weeks -- when it was presented to the District Advisory Board, we were told that they would be running for four weeks, and then towards the end of the meeting an off-hand comment was made that it was actually 20 days."
- Marvin Krout Director of Planning: "20 days within a 60 day period and in the spring. It might be one week on and one week off."
- Council Member Fearey Council Member Fearey : "If we went ahead and appealed this and brought it back , in the meantime, could City Staff work with the Hispanic Soccer players, the league and the company and maybe talk about if that 20 days could be done during the 60 days like on maybe on Monday, Tuesday and Wednesday, with watering it down on Wednesday night? I think I have the days right. I'm sorry I don't have all my information on the case with me. I think they practice on Thursday and Friday nights and then play on Saturday and Sunday. It seems to me if the rock crusher has been going all day on Thursday, then if they go and practice, that it's going to be an extremely dusty situation."
- Marvin Krout Director of Planning: "Sure. The Park Department has been in contact with the soccer league through this discussion, so I'm sure that won't be a problem. And we'll talk to the applicant in that time also to see what they can do."
- Council Member Fearey Council Member Fearey: "I'm concerned that the soccer players feel they were not brought into discussions."
- Motion -- Fearey moved that the Conditional Use decision of the MAPC be appealed and placed on a future agenda for reconsideration so that in the interim Staff can work with the Hispanic soccer league and the applicant to see if we can come up with something that would be agreeable to all parties.
- Mayor Knight Mayor Knight: "Chris, that's consistent with their request, isn't it."

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 502

Chris Cherches

City Manager: "Yes."

Mayor Knight

Mayor Knight asked if there was any further discussion.

--carried

Motion carried 7 to 0.

AIRPORT AGENDA

AIRPORT

TAXIWAY "M" SUPPLEMENTAL.

Agenda Report No. 02-1433.

On June 5, 2001 City Council approved an agreement with Professional Engineering Consultants for design services on Taxiway "M".

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement has been prepared to authorize the necessary services.

The cost of the services is \$792,216 and will be funded with a pending FAA grant and General Obligation bonds paid by Airport Revenue.

Motion --

-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TAXILANE "AAA" GRANT OFFER.

Agenda Report No. 02-1434.

On June 5 and September 11, 2001 City Council approved grant offers for the study, design, and construction of Taxilane "AAA".

A change in priorities has delayed the taxilane project; consequently the Federal Aviation Administration (FAA) has prepared amendments to change the description of two federal grants. The funds identified for Taxilane "AAA" are being redirected to fund the construction of Taxiway "M" which will serve the Cessna Service Center and future development on the east side of the airport. Funds for Taxilane "AAA" will be applied for at a later date.

The amended grants total \$1,371,600 and will be applied towards the construction of Taxiway "M".

The Law Department will certify that the sponsor's acceptance of the grant amendment complies with state and local laws after the date of execution.

Motion --

-- carried

Knight moved that the grant amendments be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 503

RECESS

The City Council recessed at 9:38 a.m. and reconvened at 7:00 p.m.

Wichita, Kansas, May 21, 2002
Tuesday, 7:00 p.m.

The City Council met in recessed session at the Sedgwick County Extension Office, 7001 West 21st Street North.

Vice Mayor Martz in the Chair. Council Members Brewer, Fearey, Gale, Pisciotte, present. Mayor Knight and Council Member Lambke, absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

A02-04

A02-04 - ANNEXATION OF PROPERTY LOCATED BETWEEN 21ST AND 37TH STREETS NORTH, WEST OF HOOVER ROAD. (District V)

Dave Barber

Supervisor of Planning Land Use reviewed the Item.

Agenda Report No. 02-1409

On March 19, 2002, the City Council adopted a resolution that established May 21, 2002, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 West 21st Street North, Wichita, Kansas as the date, time and place for a public hearing for this annexation. The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

This is the sixth and final phase of a six-phase annexation initiative that began in the spring of 2000. The first phase, which brought 611 acres and 47 properties into the City, was approved on July 18th, 2000. The second phase was approved on November 21st, 2000, and brought 92 acres and 42 properties into the City. The third phase was approved on April 17, 2001, bringing 56 acres and 36 properties into the City of Wichita. The fourth phase was approved on August 14, 2001, bringing 21 acres and 29 properties into the City of Wichita. The fifth phase was approved on January 12, 2002, bringing 26 acres and 13 properties into the City of Wichita.

The subject area for the sixth and final phase consists of approximately 9 acres and 4 properties (all are unplatted). The land-use pattern for this phase of annexation consists of 4 residential tracts that are primarily residential uses. The properties proposed for annexation are zoned "SF-20" Single-Family Residential), and will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body). The proposed annexation also includes a number of street segments that were not contained in the earlier phases of annexation.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with some "industrial" areas intermixed, according to the 2000 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

An informational meeting regarding the proposed annexation was held on April 30, 2002 at the Sedgwick County Extension Center, 7001 West 21st Street North. No property owners attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The Plan describes the means by which City services will be extended to the area. Map No. 2D in the Plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

MAY 21, 2002

PAGE 504

The total appraised value of the land and improvements proposed for annexation is \$150,190 resulting in an annual City Ad Valorem tax revenue of approximately \$563.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on April 18, 2002. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a vote of nine to zero (9-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the public hearing be closed; the annexation be approved; and the Ordinance be placed on first reading. Motion carried 5 to 0. Knight and Lambke, absent.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 02-04

ADJOURNMENT

The City Council meeting adjourned at 7:04 p.m.

Patsy Ellis
Deputy City Clerk